IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25/04/2003

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THE HONOURABLE MR. JUSTICE P.K. MISRA

WRIT PETITION No.6604 OF 2003
AND
WPMP.NO.8496 OF 2003

R. Ammaiyappan,
S/o. D. Renganathan .. Petitioner

-Vs-

1. The Regional Transport Authority,
Cuddalore.

2. The Regional Transport Officer,
Cuddalore.

3. D. Murugan
4. K. Prema
6. R. Srinivasan
7. D.R. Balasubramaniam .. Respondents

Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus as stated therein.

For Petitioner : Mr.A. Amalraj

For Respondents 1-2 : Mr.P. Chandrasekaran
Special Govt. Pleader

Respondents 3-7 : Mrs. Radha Gopalan

:J U D G M E N T

Petitioner is operating a Mini Bus from Cuddalore Bus stand to Nathapattu Gandhi Mandapam. Two other permits have been granted in favour of two other persons and in all three such mini buses are plying altogether 90 singles per day from Cuddalore Bus stand to Nathapattu Gandhi Mandapam. The grievance of the petitioner is that even though several representations have been filed by the petitioner as well as other bus operators, without considering those representations, fresh mini bus permits have been granted in favour of the respondents 2 to 7 in respect of the very same route. Grant of permit in respect of new buses would make the entire sector congested and full of traffic and would make the operation of the existing operators very

uneconomical. Moreover, it is likely to cause hazard to the local public. The petitioner has therefore prayed for a direction for quashing the order dated 8.1.2003 issued pursuant to the proceedings No.A2/42152/2001 dated 30.9.2002.

2. Learned counsel appearing for the respondents, including the respondents 3 to 7 have been heard.

3. It has been pointed out by the counsel for the respondents that the petitioner had filed W.P.No.1248 of 2003 and four other writ petitions seeking similar relief with praying for quashing the order dated 30.9.2002 and the present order is only a consequential order. It has been indicated that in the present writ petition the petitioner has not stated any thing about the filing of W.P.No.1248 of 2002 and other connected writ petitions, which are

apparently pending. It has been submitted that in view of this suppression of material facts, the writ petition is liable to be dismissed without considering other aspects.

4. Law is well settled that a person who seeks equitable relief under Article 226/227 of the Constitution of India, must come to the Court with clean hands and there must not be any suppression of any material facts. There is no whisper in the present writ petition about the filing of W.P.No.1248 of 2003 and other connected writ petitions which have been filed by the present petitioner seeking to quash the order dated 30.9.2002. It is not disputed that the present impugned order dated 8.1.2003 is merely a consequential order of the order dated 30.9.2002. It is obvious that the petitioner is guilty of suppression of material facts.

5. For the aforesaid reason alone, the writ petition is liable to be dismissed. No costs. Consequently, WPMP.No.8496 of 2003 is closed. It is made clear that no opinion has been expressed regarding merit of the contentions raised in W.P.No.1248 of 2003 and other connected matters.

Index : Yes
Internet : Yes

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To

1. The Regional Transport Authority,
Cuddalore.

2. The Regional Transport Officer,
Cuddalore.

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